**Report of the Standing Policy Committee on Property and Development dated June 27, 2002**

**Request to amend Development Agreement AG 27B/84 to delete sidewalk on Harlesden Drive and Polydore Road**

**File DASZ 27B/84**

11. The Standing Policy Committee on Property and Development has been advised that Qualico Developments (Winnipeg) Ltd. has recently submitted a request to have Development Agreement AG 27B/84 amended to delete the requirement for a sidewalk on Harlesden Drive.

Public Hearings for application under File DASZ 27B/84 were held on December 10, 1985 and February 18, 1986, before the former St. Boniface-St. Vital Community Committee at which time the Administration recommended the installation of the sidewalk on the streets mentioned above as a condition of the Development Agreement. This recommendation was concurred in by City Council.

On July 17, 1990, the former St. Boniface-St. Vital Community Committee heard representations from area residents supporting a petition requesting the deletion of the proposed sidewalk on Harlesden Drive from Ashworth Street to Polydore Street.

On September 12, 1990, the former St. Boniface-St. Vital Community Committee further considered the matter and recommended that Development Agreement AG 27B/84 not be amended in order to delete the proposed sidewalk installation on Harlesden Drive from Ashworth Street to Polydore Street.

On June 11, 1991, the former St. Boniface-St. Vital Community Committee reconsidered the issue and rescinded their previous motion passed on September 12, 1990 and recommended that Development Agreement AG 27B/84 be amended by deleting the proposed sidewalk installation on Harlesden Drive from Ashworth Street to Greenford Avenue, and on Polydore Road from Harlesden drive to Nova Vista Drive.

On March 9, 1992, the former Committee on Planning and Community Services considered a report from the Assistant Manager, Land Development Department, with respect to this matter and as such did not concur in the recommendation of the former St. Boniface-St. Vital Community Committee to delete the proposed sidewalk installation on Harlesden Drive and Polydore Road. The Committee recommended that a five year deferment, as set out in the aforementioned report dated February 21, 1992, be approved and referred same to the former St. Boniface-St. Vital Community Committee to give them the opportunity to solicit comments from local residents as well as the Developers.

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On April 14, 1992, the former St. Boniface-St. Vital Community Committee rescinded its previous motion in this matter and concurred in the former Committee on Planning and Community Services recommendation that the subject sidewalk installations be deferred for five years. This issue had not been reviewed since that motion.

The Planning, Property and Development Department advised that the installation of the sidewalks in question are included partially within Development Agreements AG 58/86 as well as in AG 27B/84 as can be seen in drawing number H.F. 2707. Deletion of the sidewalk requirements as requested by the Developer would require amendments to both of these agreements, not just AG 27B/74. In addition, a portion of the sidewalk has already been installed under AG 58/86 along the east side of Polydore Road, south of Nova Vista Drive.

The Planning, Property and Development Department does not support the deletion of the sidewalks in question from the aforementioned Development Agreements.

The Public Works Department has advised that the need to provide a sidewalk in the subject streets for pedestrian safety has not changed. This concern runs concurrent with all previous reports dealing with this issue. With icy streets and high snow banks in the winter and the additional street activity in the summer, the Public Works Department has recommended that these works be installed at this time.

It is the Public Works Department's understanding that the west limit of the subject Harlesden Road sidewalk west of Lambeth Road was also covered under the previous 5-year deferment. Accordingly, if and when Greenford Avenue is extended under Development Agreement AG 58/86, the Public Works Department advises that the sidewalk in Harlesden Road west of Lambeth Road will be constructed in accordance with the Agreement to provide continuity with the existing Greenford Avenue sidewalk. This sidewalk is proposed to be constructed at the same time as the street pavement in accordance with the current sidewalk scheduling policy, which will eliminate the possibility of a similar sidewalk controversy that is dealt with today.

The construction of this sidewalk has been a long and contentious issue, not only with the Developer but also by the affected property owners. Previously, area residents supported a petition requesting the deletion of the proposed sidewalk on Harlesden Drive from Ashworth Street to Polydore Street. As more local amenities are developed and as the balance of lands under AG 58/86 are serviced, area residents in the future may wish to have these sidewalks installed. Future property owners fronting the streets with the proposed sidewalks certainly will not be prepared to pay local improvements levies for these sidewalks even if there is a demand for these sidewalks by area residents. If the sidewalks were constructed at this time, the costs of these works would be borne by the Developer rather than the fronting homeowners.

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The Planning, Property and Development Department recommended that neither of the two development agreements be amended to delete the sidewalk requirements and that the construction of the sidewalks required under Development Agreement AG 27B/84 proceed at this time and the sidewalks required under AG 58/86 be constructed when the balance of those lands are developed.

On June 11, 2002, the Riel Community Committee considered report dated May 17, 2002, from the Land Development Administrator, Planning, Property and Development Department, which recommended that the construction of sidewalks under Development Agreements AG 27B/84 and AG 58/86 not be deleted, and that the installation of sidewalks under AG 27B/84 should proceed at this time and the sidewalks required under AG 58/86 be installed when the balance of those lands are developed.

The Riel Community Committee did not concur with the recommendations contained in the report dated May 17, 2002, from the Land Development Administrator, Planning, Property and Development Department, and recommended that the requirement for the construction of sidewalks on Harlesden Drive and Polydore Road, under Development Agreements AG 27B/84 and AG 58/86, be deleted.

On June 27, 2002, the Standing Policy Committee on Property and Development concurred in the recommendations of the Riel Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That Development Agreements AG 27B/84 and AG 58/86, be amended to delete the requirement for the construction of sidewalks on Harlesden Drive and Polydore Road.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.